

REMARKS/ARGUMENTS

Upon entry of the present amendment, claims 1-16 will have been canceled and claims 17-35 will have been submitted for consideration by the Examiner. In view of the above, Applicant respectfully requests reconsideration and withdrawal of the outstanding objection and rejections of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicant would like to express his appreciation to the Examiner for the detailed Official Action provided, and for the acknowledgment of Applicants' claims for priority under 35 U.S.C. §119 and receipt of the certified copies of the priority documents in the Official Action. Applicant also notes with appreciation Examiner's acknowledgment of Applicant's Information Disclosure Statement filed in the present application on June 6, 2000 by the return of the initialed and signed PTO-1449 Form, and for consideration of the documents cited in Information Disclosure Statement.

Turning to the merits of the action, the Examiner has objected to the specification because of the informalities. In response to the Examiner's requirement, Applicant has amended the specification to correct a misspelling. Thus, Applicant respectfully requests that the Examiner withdraw this objection.

The Examiner has also objected to claims 1-16 under 37 C.F.R. 1.75 (a), as failing to particularly point out or distinctly claim the subject matter which Applicant regards as the invention and discovery. In newly submitted claims 17-35, Applicant has clarified the definition the “center” in these claims, as “management center,” without narrowing the scope thereof, in compliance with the Examiner’s requirement. Thus, Applicant respectfully requests that the Examiner withdraw this objection.

The Examiner has rejected claims 1, 3, 6, 9, 11, and 14 under 35 U.S.C. § 102 (e), as being anticipated by MILLER, JR. et al. (U.S. Patent No. 6,356,356). The Examiner has also rejected claims 4, 7, 12, and 15 under 35 U.S.C. § 103 (a), as being unpatentable over MILLER, JR. et al. The Examiner has further rejected claims 2, 5, 8, 10, 13, and 16 under 35 U.S.C. § 103 (a), as being unpatentable over MILLER, JR. et al. in view of PALAGE et al. (U.S. Patent No. 6,018,801).

As noted above, Applicant has canceled the rejected claims and has submitted new claims 17-35. In this regard, Applicant notes that newly added claims 17 and 18 each generally correspond to original claim 1, and that newly added claim 19 generally corresponds to original claim 2. Newly added claims 20 and 21 generally correspond to original claim 3. Newly added claim 22 generally corresponds to original claim 4. Newly added claim 23 generally corresponds to original claim 5. Newly added claims 24-25 each generally correspond to original claim 6. Newly added claim 26 generally corresponds to original claim 7. Newly



added claim 27 generally corresponds to original claim 8. Newly added claims 28 and 29 each generally correspond to original claim 9. Newly added claims 30 and 31 each generally correspond to original claim 11. Newly added claim 32 generally corresponds to original claim 12. Newly added claims 33 and 34 each generally correspond to original claim 14. Newly added claim 35 generally corresponds to original claim 15. In view of the herein-contained amendments and remarks, Applicant respectfully traverses the above rejection based on newly added claims 17-35 and will discuss said rejection with respect to the pending claims in the present application as will be set forth hereinbelow. The newly added claims merely clarify the subject matter recited in the canceled claims, but do not narrow the scope of the claims.

Applicant's claims 17-19 generally relate to an image communication apparatus which has a receiver configured to receive image data from a transmitting facsimile apparatus via public switched phone network. The image communication apparatus further has a controller which converts the received image data to data for Internet transmission, attaches the converted data to an e-mail, and transmits the e-mail to a management center. The management center manages information that the image communication apparatus receives and further is configured to connect to the image communication apparatus via the Internet. Claims 28 and 29 generally recite related methods.

Applicant's claims 20-23 generally relate to an image communication apparatus which has a scanner configured to scan image data and a panel configured to input an address of a destination. The image communication apparatus has a controller which converts the received image data to data for Internet transmission, attaches the converted data to an e-mail, and transmits the e-mail to the destination and to a management center. The management center manages information that the image communication apparatus transmits to the destination and further is configured to connect to the image communication apparatus via the Internet. Claims 30-32 generally recite related methods.

Applicant's claims 24-27 generally relate to an image communication apparatus which has a facsimile transmitter configured to transmit image data to a destination based on a facsimile protocol. The image communication apparatus further has an e-mail transmitter which converts the image data to data for Internet transmission, attaches the converted data to an e-mail, and transmits the e-mail to a management center. The management center manages image data that is transmitted by the facsimile transmitter and further is configured to connect to the image communication apparatus via the Internet. Claims 33-35 generally recite related methods.

However, MILLER, JR. et al. relate to a fax/mail server which receives a fax transmission from a source fax machine, locates one or more e-mail address within the received fax transmission, generates an e-mail to the e-mail address,

attaches the fax for transmission to the e-mail addresses, and transmits the generated faxes to e-mail addresses. However, MILLER, JR. et al. do not disclose the management center of the present claims. The management center of the claims manages information that the image communication apparatus receives, and is connected to the image communication apparatus via the Internet (see the specification at page 4, lines 11-24). Further, the management center according to claims 18, 21, 25, 29, 31, and 34 stores information that the image communication apparatus receives and the information is browsed by a supervisor of the management center. MILLER, JR. et al. do not disclose such a center at all.

Further, MILLER, JR. et al. disclose a log file 28 which is used to bill users of the fax/e-mail server. The log file 28 is linked to the fax/e-mail server. A logger 42 of the fax/e-mail server writes information to the log file 28, meaning that the log file 28 is one function of the fax/e-mail server. To the contrary, the management center of claims 17-35 is connected to the image communication apparatus via the Internet. Thus, the log file 28 of MILLER, JR. et al. is different from the management center of the present claims, since the log file 28 of MILLER, JR. et al. is not linked to the fax/e-mail server 18 via the Internet 14.

Therefore, it is respectfully submitted that the features recited in Applicant's claims 17-35 are not disclosed in MILLER, JR. et al..

Absent a disclosure in a single reference of each and every element recited in a claim, a *prima facie* case of anticipation can not be made under 35 U.S.C. §

102. Since the applied reference fails to disclose each and every element recited in independent claims 17, 20, 24, 28, 30, and 33 (which respectively correspond to original independent claims 1, 3, 6, 9, and 14) and the claims dependent therefrom, these claims are not anticipated thereby. Accordingly, the Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. § 102.

With respect to the Examiner's rejection of dependent claims under 35 U.S.C. § 103 (a), PALAGE et al. relate to a method for authenticating electronic documents on a computer network in which error information is sent to a designated recipient. However, PALAGE et al. does not disclose a controller which, when an error mail is received, prints the received error mail when the transmission destination is the center and prints a predetermined part of the received error mail when the transmission destination is not the management center, as generally claimed in newly-added dependent claims 19, 23, and 27.

Therefore, it is respectfully submitted that the above noted features as recited in Applicant's claims are not disclosed by PALAGE et al.. The pending claims are submitted to also be patentable over the Examiner's proposed combination, since neither MILLER, JR. et al. nor PALAGE et al. discloses the unique combination of features recited in Applicant's claims 17-35.

Nevertheless, with respect to the Examiner's rejection of the dependent claims, since corresponding newly-added claims 18-19, 21-23, 25-27, 29, 31-32, and 34-35 are dependent from an allowable independent claim, which are

allowable for at least the reasons discussed *supra*, these claims are also allowable for at least these reasons. Further, all dependent claims recite additional features which further define the present invention over the references of record. Accordingly, the Examiner is respectfully requested to withdraw all rejections under 35 U.S.C. § 103 (a).

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections and an indication of the allowability of all the claims pending in the present application in due course.

SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. Applicant has submitted claims for consideration by the Examiner. Accordingly, Applicant has provided a clear evidentiary basis supporting the patentability of all claims in the present application and respectfully requests an indication of the allowability of all the claims pending in the present application in due course.

Applicant notes that this amendment is being made not for patentability, but rather for clarifying the scope of the claims, and therefore render explicit what was already implied in these claims. Further, no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. All other amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Kiyoshi TOYODA
Will Boshell

Reg. No. 44,550

Bruce H. Bernstein
Reg. No. 29,027

February 20, 2004
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191